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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,554	12/29/2003	Laura Elizabeth Keck	18349	8452

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EXAMINER	
BALSIS, SHAY L	
ART UNIT	**PAPER NUMBER**
1744	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/748,554	KECK ET AL.	
	Examiner	Art Unit	
	Shay L. Balsis	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *12-17,19 and 20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

This application contains claims 12-17, 19-20 are drawn to an invention nonelected with traverse in Paper No. 3/11/05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 7, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truong et al. (PGPub 20040074520) in view of Graham et al. (USPN 6243909).

Truong teaches a cleaning pad comprising a first side and a second side. The first side (figure 9, element 22) comprises a material which has the ability to attract and retain dirt, dust and other debris (claim 1). The second side (figure 9, element 21) comprises a material which has the ability to absorb fluids (paragraph [0050-0053]) (claim 1). The first and second materials comprise a nonwoven web (paragraph [0059]) (claims 2, 7). The nonwoven web comprises multicomponent fibers (paragraph [0059]) (claim 3). The first material's nonwoven web is made of an air-laid, carded, stitch-bonded, thermo-bonded or resin-bonded construction (paragraph [0058]) (claim 4). There is a cleaning implement comprising a handle (figure 3, element 30), a head (figure 3, element 10) and a removable cleaning sheet (figure 3, element 20) (claim 18). Truong teaches all the

essential elements of the claimed invention however fail to teach that the first side comprises an electret treated material. Graham teaches a dust mop wherein the outer layer of the dust mop is made from an electrically charged nonwoven material (figure 2, element 21). It would have been obvious to modify the first side of Truong so that it was electrostatically charged as taught by Graham since the electrostatic charge improves the dust collecting ability of the cleaning pad. It would have been an obvious modification to electrify Truong since the first side of Truong is made from a nonwoven material and the electrostatic layer of Graham is also made from a nonwoven material.

Claims 1-3, 7, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera et al. (USPN 5094559) in view of Graham et al. (USPN 6243909).

Rivera teaches a cleaning pad comprising a first side and a second side. The first side (figure 21, element 22) comprises a material which has the ability to attract and retain dirt, dust and other debris (claim 1). The second side (figure 21, element 24) comprises a material which has the ability to absorb fluids (claim 1). The first and second materials comprise a nonwoven web (col. 4, lines 5-7; col. 6, lines 31-32) (claims 2, 7). The nonwoven web comprises multicomponent fibers (col. 4, lines 26-42; col. 6, lines 35-56) (claim 3). There is a cleaning implement comprising a handle (figure 12, element 96), a head (figure 12, element 98) and a removable cleaning sheet (figure 12, elements 22, 24) (claim 18). Rivera teaches all the essential elements of the claimed invention however fail to teach that the first side comprises an electret treated material. Graham teaches a dust mop wherein the outer layer of the dust mop is made from an electrically charged nonwoven material (figure 2, element 21). It would have been obvious to modify the first side of Rivera so that it was electrostatically charged as taught

by Graham since the electrostatic charge improves the dust collecting ability of the cleaning pad. It would have been an obvious modification to electrify Rivera since the first side of Rivera is made from a nonwoven material and the electrostatic layer of Graham is also made from a nonwoven material.

Claims 1 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandqvist (WO 94/23634) in view of Graham (USPN 6243909).

Sandqvist teaches a cleaning pad comprising a first side and a second side. The first side (figure 3, element 7) comprises a material which has the ability to attract and retain dirt, dust and other debris (claim 1). The second side (figure 3, element 3) comprises a material which has the ability to absorb fluids (claim 1). There is a cleaning implement comprising a handle (figure 4, element 50), a head (figure 4, element 75) and a removable cleaning sheet (figure 4, element 1) (claim 18). Sandqvist teaches all the essential elements of the claimed invention however fail to teach that the first side comprises an electret treated material. Graham teaches a dust mop wherein the outer layer of the dust mop is made from an electrically charged nonwoven material (figure 2, element 21). It would have been obvious to modify the first side of Sandqvist so that it was electrostatically charged as taught by Graham since the electrostatic charge improves the dust collecting ability of the cleaning pad.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truong in view of Graham as applied to claim 4 and further in view of Childs et al. (PGPub 20030003831).

Truong in view of Graham teaches all the essential elements of the claimed invention as stated above including that the multicomponent fibers are thermo-bonded or

carded however, Truong fails to teach that the first material comprises a spunbond nonwoven web (claim 5), wherein the fibers are multicomponent fibers (claim 6). Childs teaches a cleaning sheet comprising a fibrous web selected from a variety of types of fibers including carded staple fibers, meltblown fibers, spunbond fibers, hydroentangled fibers and thermal bonded fibers (paragraph [0009]). The substrate comprises at least three fibrous webs (paragraph [0035]). Child teaches that spunbond fibers and thermo-bonded fibers are equivalent structures known in the art (paragraph [0009]). Therefore, because these two fibers were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute spunbond for thermo bonded.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera in view of Graham as applied to claim 3 and further in view of Childs et al. (PGPub 20030003831).

Rivera in view of Graham teaches all the essential elements of the claimed invention as stated above however Rivera fails to teach that the first material comprises a spunbond nonwoven web (claims 4, 5), wherein the fibers are multicomponent fibers (claim 6). Childs teaches a cleaning sheet comprising a fibrous web selected from a variety of types of fibers including carded staple fibers, meltblown fibers, spunbond fibers, hydroentangled fibers and thermal bonded fibers (paragraph [0009]). The substrate comprises at least three fibrous webs (paragraph [0035]).
It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first material made from a material comprising a spunbond nonwoven web, since it has been held within the general skill of a worker in

the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin, 125 USPQ 416.* Additionally, spunbond fibers are preferred since they minimize the amount of lint that will occur.

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandqvist in view of Graham as applied to claim 1 and further in view of Childs et al. (PGPub 20030003831).

Sandqvist in view of Graham teaches all the essential elements of the claimed invention as stated above however fails to teach that the first material and the second material comprise a nonwoven web (claim 2). Also the first material comprises a spunbond nonwoven web (claims 4, 5), wherein the fibers are multicomponent fibers (claims 3, 6). Childs teaches a cleaning sheet comprising a nonwoven fibrous web (paragraph [0029]) selected from a variety of types of fibers including carded staple fibers, meltblown fibers, spunbond fibers, hydroentangled fibers and thermal bonded fibers (paragraph [0009]). The substrate comprises at least three fibrous webs (paragraph [0035]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first material made from a material comprising a spunbond nonwoven web, since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin, 125 USPQ 416.* Additionally, spunbond fibers are preferred since they minimize the amount of lint that will occur.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truong in view of Graham as applied to claim 7 and further in view of Keck et al. (USPN 6807702).

Truong in view of Graham teaches all the essential elements of the claimed invention as stated above however, fails to teach that the second material comprises a nonwoven web comprising a mixture of thermoplastic fibers and an absorbent material (claim 8), wherein the absorbent material is a pulp or superabsorbent material (claim 9) and that the thermoplastic fibers comprise between 5% and 80% by weight of the thermoplastic polymers and between 95% and 20% by weight of pulp or superabsorbent. Keck teaches a cleaning sheet comprising a nonwoven fibrous web comprising a mixture of thermoplastic fibers and an absorbent material such as pulp (col. 4, lines 45-48). The nonwoven web comprises from about 5% to 45% by weight of thermoplastic polymer fibers and about 70-98% by weight of pulp. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the nonwoven web as taught by Keck as the second material on Truong since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin, 125 USPQ 416.* Additionally, the nonwoven web of Keck is highly durable, capable of absorbing and releasing liquids and also capable of picking up dirt (col. 1, lines 50-57).

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera in view of Graham as applied to claim 7 and further in view of Keck et al. (USPN 6807702).

Rivera in view of Graham teaches all the essential elements of the claimed invention as stated above however, fails to teach that the second material comprises a nonwoven web comprising a mixture of thermoplastic fibers and an absorbent material (claim 8), wherein the absorbent material is a pulp or superabsorbent material (claim 9)

and that the thermoplastic fibers comprise between 5% and 80% by weight of the thermoplastic polymers and between 95% and 20% by weight of pulp or superabsorbent. Keck teaches a cleaning sheet comprising a nonwoven fibrous web comprising a mixture of thermoplastic fibers and an absorbent material such as pulp (col. 4, lines 45-48). The nonwoven web comprises from about 5% to 45% by weight of thermoplastic polymer fibers and about 70-98% by weight of pulp. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the nonwoven web as taught by Keck as the second material on Rivera since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin, 125 USPQ 416.* Additionally, the nonwoven web of Keck is highly durable, capable of absorbing and releasing liquids and also capable of picking up dirt (col. 1, lines 50-57).

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandqvist in view of Graham as applied to claim 1 and further in view of Keck et al. (USPN 6807702).

Sandqvist in view of Graham teaches all the essential elements of the claimed invention as stated above however, fails to teach that the second material comprises a nonwoven web (claim 7) comprising a mixture of thermoplastic fibers and an absorbent material (claim 8), wherein the absorbent material is a pulp or superabsorbent material (claim 9) and that the thermoplastic fibers comprise between 5% and 80% by weight of the thermoplastic polymers and between 95% and 20% by weight of pulp or superabsorbent. Keck teaches a cleaning sheet comprising a nonwoven fibrous web comprising a mixture of thermoplastic fibers and an absorbent material such as pulp (col.

4, lines 45-48). The nonwoven web comprises from about 5% to 45% by weight of thermoplastic polymer fibers and about 70-98% by weight of pulp. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the nonwoven web as taught by Keck as the second material on Sandqvist since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin, 125 USPQ 416.* Additionally, the nonwoven web of Keck is highly durable, capable of absorbing and releasing liquids and also capable of picking up dirt (col. 1, lines 50-57).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Truong in view of Graham and Keck as applied to claim 10 above and further in view of Childs et al. (PGPub 20030003831).

Truong in view of Graham and Keck teaches all the essential elements of the claimed invention as stated above however fails to teach that the first material comprises a spunbond nonwoven web (claim 11). Truong in view of Graham and Keck teaches that the first material is thermo-bonded or carded. Childs teaches a cleaning sheet comprising a fibrous web selected from a variety of types of fibers including carded staple fibers, meltblown fibers, spunbond fibers, hydroentangled fibers and thermal bonded fibers (paragraph [0009]). Childs teaches that spunbond fibers and thermo-bonded fibers are equivalent structures known in the art (paragraph [0009]). Therefore, because these two fibers were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute spunbond for thermo bonded.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera in view of Graham in view of Keck as applied to claim 10 above and further in view of Childs et al. (PGPub 20030003831).

Rivera in view of Graham and Keck teaches all the essential elements of the claimed invention as stated above however fails to teach that the first material comprises a spunbond nonwoven web (claim 11). Childs teaches a cleaning sheet comprising a fibrous web selected from a variety of types of fibers including carded staple fibers, meltblown fibers, spunbond fibers, hydroentangled fibers and thermal bonded fibers (paragraph [0009]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first material made from a material comprising a spunbond nonwoven web, since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin, 125 USPQ 416.* Additionally, spunbond fibers are preferred since they minimize the amount of lint that will occur.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sandqvist in view of Graham and Keck as applied to claim 10 above and further in view of Childs et al. (PGPub 20030003831).

Sandqvist in view of Graham and Keck teaches all the essential elements of the claimed invention as stated above however fails to teach that the first material comprises a spunbond nonwoven web (claim 11). Childs teaches a cleaning sheet comprising a nonwoven fibrous web (paragraph [0029]) selected from a variety of types of fibers including carded staple fibers, meltblown fibers, spunbond fibers, hydroentangled fibers

and thermal bonded fibers (paragraph [0009]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first material made from a material comprising a spunbond nonwoven web, since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin, 125 USPQ 416.* Additionally, spunbond fibers are preferred since they minimize the amount of lint that will occur.

Response to Arguments

Applicant's arguments filed 7/25/05 with respect to Truong, Rivera and Sandqvist have been fully considered but they are not persuasive.

Applicant argues that Truong et al. teaches a cleaning web material that is used to perform scouring functions and that both cleaning web material are to be used in wet environments. While the cleaning web material may be used for scouring functions during wet cleaning it does not have to be solely used for that purpose. It could be used in a dry cleaning environment. For example, the dry "scouring" side could be used first, before the liquid absorbing side. The web material can be made from cotton or wool fibers, which are a nonwoven material. Since cotton could be used as the web material there is no reason why the cotton material could not be electrically charged. Therefore, the nonwoven electrically charged side could be used first to pick up debris and then the surface could be sprayed with a cleaning liquid and the liquid absorbing side could be used next to absorb the liquid. Since the claim only claims the structure of the cleaning sheet, and not the process of using the sheet, the Truong reference meets the claim limitations.

The applicant also argues that Rivera teaches that pouches are provided at the rear surface of the scrubbing layer to deliver a cleaning agent through the scrubbing layer. While Rivera does teach an embodiment with pouches of cleaning agents, it is not necessary that all the cleaning pads have pouches (figure 21, col. 9, lines 35-49).

The same argument holds true for Sandqvist and Penn. As primary references, Sandqvist and Penn teach the essential elements of the structure as claimed, while secondary reference Graham teaches the missing elements. Both Sandqvist and Penn could be used in the manner as described above, where the dry, electret side could be used to clean the floors first and then followed by the absorbing side cleaning the floors second. Again, the structure of the claimed limitation is found in the references. While the functions and process of using varies for each reference, those limitations are not claimed.

Applicant's arguments, filed 7/25/05, with respect to Penn have been fully considered and are persuasive. The rejection of Penn has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARK SPISICH
PRIMARY EXAMINER
GROUP ~~3400~~ 1700

Slb
8/29/05